

**OFFICE OF THE GENERAL COUNSEL**  
**DIVISION OF OPERATIONS-MANAGEMENT**

**MEMORANDUM OM 95-9**

**January 31, 1995**

**TO :** All Regional Directors, Officers-in-Charge  
and Resident Officers

**FROM :** William G. Stack, Associate General Counsel

**SUBJECT:** Oral Withdrawal Requests from Individual Charging Parties

This is to authorize Regional Directors to approve an oral withdrawal request, thereby closing an unfair labor practice case when the request is made by an individual charging party. Alternatively, Directors are authorized to dismiss a case based upon the individual charging party's oral request to withdraw.

Regional Directors began honoring oral withdrawal requests made by practitioners in unfair labor practice cases in an effort to save travel resources and speed case processing (see Memorandum 81-56, dated November 25, 1981). In authorizing this practice, it was assumed that practitioners would fully appreciate the potential consequences in terms of foregoing Office of Appeals review and the effect of Section 10(b). It was also assumed that ongoing relationships with practitioners would make it highly unlikely that a practitioner would deny having made the request. This procedure has proven useful and safe since it was introduced.

The bulk of withdrawal requests from individual charging parties also are processed without incident, with agents soliciting charging party withdrawal requests at various stages in the casehandling process. As in cases in which the charging party has an experienced representative, occasionally individual charging parties will neglect to return an executed withdrawal request form or fail to send a promised note requesting withdrawal of their charges. Case processing is always delayed in those instances.

Case processing will be facilitated and resources conserved if oral withdrawal requests from individual charging parties are given effect. Accordingly, Regional Directors are authorized to issue letters approving an oral withdrawal request made by an individual charging party, thereby closing that charging party's unfair labor practice case. Regional Directors are

encouraged to employ this procedure. However, if there is concern about the charging party's ability to understand a withdrawal solicitation or some other reason suggests that approval of an oral withdrawal request is unwise, Regional Directors have the discretion to refuse to issue complaint or to "dismiss" charges based upon the charging party's oral expression of a desire not to proceed. The dismissal letter would issue following the charging party's failure to submit a written withdrawal request after having been given an opportunity to do so.

Dismissal letters will issue in such cases, reciting appeal rights as in all dismissals. In those rare instances when appeals are filed, the Region should revoke its dismissal letter, resume its case processing and, if warranted, issue a dismissal letter on the merits, again reciting the charging party's appeal rights.

Any questions regarding this memorandum may be addressed to me or to your Assistant General Counsel.

W. G. S.

cc: NLRBU

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